

D.P.U. 95-AD-8

Adjudicatory hearing in the matter of the complaint of Andrew Larson and Robert Cowan relative to the rates and charges for electricity sold by Massachusetts Electric Company.

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APPEARANCES: Andrew Larson  
33 Milk Street  
Newburyport, Massachusetts 01950

-and-

Robert Cowan  
55 Holten Street  
Peabody, Massachusetts 01960  
PRO SE  
Complainants

Amy G. Rabinowitz, Esq.  
New England Power Service Company  
25 Research Drive  
Westborough, Massachusetts 01582  
FOR: MASSACHUSETTS ELECTRIC COMPANY  
Respondent

ORDER ON MOTION TO DISMISS

On August 9, 1993, the Consumer Division of the Department of Public Utilities ("Department") held an informal hearing on the complaint of Andrew Larson and Robert Cowan ("Complainants") relative to the rates and charges for electricity sold by Massachusetts Electric Company ("Company"). The Complainants were dissatisfied with the resolution of the dispute and appealed the informal decision pursuant to 220 C.M.R. § 25.02(4)(c). The matter was docketed as D.P.U. 95-AD-8.

Pursuant to notice duly issued, an adjudicatory hearing on the Complainants' appeal of the Consumer Division's informal decision was held on September 18, 1995. The Company was present at the hearing. The Complainants failed to appear at the hearing. At no time prior to the scheduled hearing did the Complainants seek a continuance of the hearing.

At the hearing, the Company filed a motion to dismiss the proceeding (Tr. at 3). As reason therefor, the Company claims that since neither the Complainants, nor the three tenants in the matter, Pamela Demos, Derek Holt or Kathleen Saniato, appeared at the hearing, the decision of the Consumer Division stands (id.).

The Department finds that, based on the Complainants' failure to appear at the hearing, the Complainants have failed to prosecute their claim, and the complaint should be dismissed. The Department therefore upholds the finding of the Consumer Division that the Complainants are liable to the Massachusetts Electric Company in the sum of \$1,356.09.

Accordingly, after due notice, hearing and consideration, it is

ORDERED: That the motion to dismiss the complaint of Andrew Larson and Robert Cowan filed by Massachusetts Electric Company be and hereby is GRANTED.

By Order of the Department,

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Mary Clark Webster, Commissioner

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Janet Gail Besser, Commissioner